

S.R. 445 - By McKnight: Recognizing April 1, 1981, through April 6, 1981, as Billy Bob's Texas Week.

S.R. 446 - By Wilson: Extending welcome to Dr. Jerry Crabtree, "Capitol Physician" for the day.

S.R. 448 - By Brooks: Commending Carter O. Lomax.

ADJOURNMENT

On motion of Senator Brooks the Senate at 12:12 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FORTY-SIXTH DAY (Wednesday, April 1, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Andujar.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, if we're tried for loving our neighbor today, let there be enough evidence to convict us. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Howard.

MESSAGE FROM THE HOUSE

House Chamber
April 1, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 847, Relating to the time at which changes in county election precinct boundaries may be made and may take effect.

H.B. 1170, Relating to the requirement that public accountants post a sign informing consumers about filing complaints.

S.C.R. 80, Commending Roy M. Velasquez.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

The President presented Mr. Yonglin Wu of the Shanghai Arts and Crafts Research Institute. Mr. Wu was accompanied by Consul Zongxu Zhang of the People's Republic of China in Houston.

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1024
S.B. 1035 (Amended)
S.B. 512
C.S.S.B. 472 (Read first time)
(Again reported)

Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 68 (Amended)
H.C.R. 90

Senator Snelson submitted the following report for the Committee on Education:

S.B. 872
S.B. 937 (Amended)
S.B. 859
S.B. 863
S.B. 710
C.S.S.B. 896 (Read first time)
C.S.S.B. 81 (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 783
S.B. 332
S.B. 334
S.B. 344
S.B. 354

C.S.S.B. 468 (Read first time)
C.S.S.B. 8 (Read first time)
C.S.S.B. 779 (Read first time)
C.S.S.B. 346 (Read first time)
C.S.S.B. 270 (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the COMMISSION ON JAIL STANDARDS: Ronald L. Ramey, Harris County.

To be Members of the TEXAS WATER DEVELOPMENT BOARD: Louis A. Beecherl, Jr., Dallas County; Lonnie Alfred Pilgrim, Camp County.

To be PECOS RIVER COMPACT COMMISSIONER: Billy L. Moody, Pecos County.

To be Members of the BOARD OF DIRECTORS - LAVACA-NAVIDAD RIVER AUTHORITY: S. B. Allen, Jackson County; Edward H. Duenow, Jackson County; Kenneth Lee Jarrett, Jackson County; Harrison Stafford, Jackson County.

To be Members of the TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION: Sam F. Rhodes, Dallas County; David M. Shannon, Ector County.

To be a Member of the BOARD OF DIRECTORS - TRINITY RIVER AUTHORITY: Rufus Edmonds Palm, Tarrant County.

To be Members of the TEXAS ENERGY AND NATURAL RESOURCES ADVISORY COUNCIL: Edwin Lochridge Cox, Dallas County; Michel Thomas Halbouty, Harris County; Henry Burton Harkins, Sr., Jim Wells County; Edward O. Vetter, Dallas County.

To be a Member of the SABINE RIVER AUTHORITY OF TEXAS: John H. Butts, San Augustine County.

To be Members of the BOARD OF DIRECTORS - NUECES RIVER AUTHORITY: Major Gen. John W. White, Uvalde County; James F. Tracy, Sr., San Patricio County; Jesse Lockhart, Jr., Edwards County.

To be a Member of the STATE BOARD OF VOCATIONAL NURSE EXAMINERS: Dr. Max E. Johnson, Bexar County.

To be Members of the FAMILY FARM ADVISORY COUNCIL: Kenneth Irwin, Hansford County; Eristus Sams, Waller County.

To be a Member of the TEXAS BOARD OF OPTOMETRY: John W. Davis, Dallas County.

SENATE BILL AND RESOLUTION ON FIRST READING

On motion of Senator Caperton and by unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1171 by Caperton, McKnight Education
Relating to the designation of Prairie View A&M University as a special purpose statewide institution of higher education for assisting special student populations and for assisting in the development of small and medium-sized businesses and communities; adding Section 87.104 to the Texas Education Code, as amended; and declaring an emergency.

S.R. 450 by Mengden, Williams, Parker Natural Resources
Directing the Senate Committee on Natural Resources to study problems relating to reports of declining numbers of redfish and speckled sea trout in Texas coastal waters.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 267, To Committee on Natural Resources.

H.B. 1016, To Committee on Human Resources.

SENATE RESOLUTION 453

Senator Caperton offered the following resolution:

S.R. 453, Commending the many achievements of Mr. Charles G. Shandera as Parole Commissioner of the Texas Department of Corrections.

The resolution was read and was adopted.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

GUESTS PRESENTED

Senator Brooks was recognized and presented Mr. John McPhaul.

Senators Doggett and Brooks escorted Mr. and Mrs. McPhaul to the President's Rostrum. The President presented Mr. McPhaul with an enrolled copy of Senate Concurrent Resolution 46, previously adopted by the Senate, commending Mr. McPhaul's efforts in the building of the Austin Center for Battered Women.

Mr. McPhaul briefly addressed the Senate.

Additional guests present to honor Mr. McPhaul included Mr. Giles Jackson, President, Austin Association of Builders; Mr. Nelson Puett, and Mr. Ken Zimmerman of the Austin Association of Builders.

The following members of Mr. McPhaul's family were welcomed as guests today: his sons, Glenn and John McPhaul; his mother, Mrs. Arthur McPhaul and mother-in-law, Mrs. Vincent Valdes.

GUEST PRESENTED

Senator Ogg was recognized and presented Mr. Cliff Tuttle, Sr. of Houston, as a guest of his and Senator Brooks.

Mr. Tuttle was welcomed to the Senate.

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.B. 48
H.C.R. 92

SENATE BILL 211 WITH HOUSE AMENDMENTS

Senator Parker called S.B. 211 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Uher

Amend S.B. 211 by deleting the semicolon (;) in line 4, page 2 and substituting a comma (,) in lieu thereof.

Committee Amendment No. 2 - Uher

Amend S.B. 211 by adding a new subsection (d) to SECTION 1, on page 3, to read as follows:

"(d) The term public communication, public transportation, public water, gas, or power supply, or other public service shall mean, refer to and include any such services subject to regulation by the Public Utility Commission of Texas or the Railroad Commission of Texas or any such services enfranchised by the State of Texas or any political subdivision thereof."

Committee Amendment No. 3 - Coleman

Amend S.B. 211 by striking Section 2 and inserting the following after Section 1 of the bill:

SECTION 2. Chapter 31, Penal Code, as amended, is amended by adding Sections 31.12 and 31.13 to read as follows:

Sec. 31.12. UNAUTHORIZED USE OF TELEVISION DECODING AND INTERCEPTION DEVICE. (a) A person commits an offense if, with the intent to intercept and decode a transmission by a subscription television service without the authorization of the provider of the service, the person intentionally or knowingly attaches to, causes to be attached to, or incorporates in a television set, video tape recorder, or other equipment designed to receive a television transmission a device that intercepts and decodes the transmission.

(b) "Subscription television service" in this section shall mean a service whereby television broadcast programs intended to be received in an intelligible form by members of the public only for a fee or charge are transmitted pursuant to the grant of subscription television authority by the Federal Communications Commission. The term shall not include cable television service or community antenna television service.

(c) An offense under this section is a Class B misdemeanor unless the actor committed the offense for remuneration, in which event it is a Class A misdemeanor.

Sec. 31.13. MANUFACTURE, SALE, OR DISTRIBUTION OF TELEVISION DECODING AND INTERCEPTION DEVICE. (a) A person commits an offense if the person for remuneration intentionally or knowingly manufactures, distributes, or sells, with an intent to aid an offense under Section 31.12 of this code, a device or a plan or part for a device that intercepts and decodes a transmission by a subscription television service.

(b) "Subscription television service" in this section shall mean a service whereby television broadcast programs intended to be received in an intelligible form by members of the public only for a fee or charge are transmitted pursuant to the grant of subscription television authority by the Federal Communications Commission. The term shall not include cable television service or community antenna television service.

(c) An offense under this section is a Class A misdemeanor.

SECTION 3. (a) A provider of subscription television service may bring an action to enjoin a violation or threatened violation of Section 31.12 or 31.13, Penal Code. A party bringing such an action shall be entitled to issuance of such an injunction upon a showing that a violation of Sections 31.12 or 31.13 Penal Code has occurred or will occur. Irreparable injury, inadequate remedy at law and probability of recovery need not be shown to prove a prima facie right to such an injunction.

(b) The court shall award three times actual damages and reasonable attorney's fees to a prevailing plaintiff in an action under this section.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendments were read.

Senator Parker moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTE

Senator Ogg asked to be recorded as "Present-not voting" on the motion to concur in the House amendments.

SENATE BILL 530 WITH HOUSE AMENDMENT

Senator Jones called S.B. 530 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Brookshire -

Amend Senate Bill 530 by striking all of SECTION 4 and renumbering present SECTION 5 as SECTION 4.

The amendment was read.

Senator Jones moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Mauzy.

Absent: Uribe.

Absent-excused: Andujar.

SENATE BILL 592 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 592, Relating to continuation of the Texas Board of Private Investigators and Private Security Agencies and regulation of private investigators and private security agencies.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend SECTION 6 of Senate Bill 592 by deleting the stricken subsections (j) and (k) and substituting in lieu thereof:

(k) [(j)] The Board shall provide by rule the procedure by which a licensee or the security department of a private business may issue a temporary security officer commission to a private security officer who has made application to the board for a security officer commission.

(l) [(k)] Subsection (a) of this section does not apply to the holder of a valid temporary security officer commission issued under this section if the holder is in uniform and in possession of only one handgun and engaged in the performance of his duties.

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 592 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 592 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
April 1, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 605, Relating to application of the Public Utility Regulatory Act to small power producers and cogenerators of electricity.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 368 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 368, Relating to rehabilitation programs as a condition of probation for persons convicted of driving while intoxicated.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend C.S.S.B. 368 as follows:

(1) On page 1, line 24, insert between "probated" and the period (".") the following:

"and may recommend that any operator's, commercial operator's, or chauffeur's license issued to the defendant under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), not be suspended"

(2) On page 2, line 29, insert between "requirement" and the period (".") the following:

" , or the jury recommends, under Section 3a, Article 42.13, Code of Criminal Procedure, 1965, probation and no suspension of the person's license"

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 368 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 368 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 386 ON SECOND READING

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 386, Relating to the information required in the reporting of political contributions by political committees.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Howard, Kothmann, Leedom, Mauzy, Mengden, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Harris, Jones, McKnight, Meier, Ogg, Richards, Travis, Wilson.

Absent: Brown.

Absent-excused: Andujar.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 386 by striking Section 1 in its entirety and substituting in lieu thereof the following:

SECTION 1. Subsection (D), Section 243, Texas Election Code, as amended (Article 14.07, Vernon's Texas Election Code), is amended to read as follows:

(D)(1)(a) Each statement filed for a general-purpose political committee shall also include the occupation or employer, or principal place of business if self-employed, of each contributor listed on the statement.

(b) Each political committee shall also include in the statements filed under this section:

(i) the campaign treasurer's business or residence street address and telephone number; and

(ii) the name of each corporation, labor organization, or other association or legal entity that provides support for the administration of the political committee or that determines to whom the political committee makes contributions or for what purposes the political committee makes expenditures.

(2) Each political committee receiving contributions or making expenditures on behalf of a candidate, or office-holder, shall notify the candidate, or office-holder, as to the name and address of the political committee and its campaign treasurer, if one is required. The candidate, or office-holder, shall include within each statement required by this code a list identifying the name and address of each such political committee and its campaign treasurer, if one is required. "On behalf of" means the knowing acceptance of a contribution for a candidate(s), or office-holder(s), or the making of an expenditure for a candidate(s), or office-holder(s). Any campaign treasurer, candidate, office-holder or other person managing a political committee, who violates the provisions of this subdivision [subsection] shall be guilty of a Class A misdemeanor.

(3) In reporting a contribution from another political committee that is not registered in Texas, the information for the contributing committee that is required by Subsection (D)(1)(b)(ii) of Section 243 of the Texas Election Code shall be included.

(4) The provisions of Subsections D(1)(a) and D(1)(b)(ii) shall not apply to a general purpose political committee which receives support for its administrative expenses primarily from real estate boards which have been exempted from the federal income tax under the provisions of Section 501(c)(6) of the Internal Revenue code of 1954, as amended, as it existed on January 1, 1980; provided, however, that said general purpose political committee shall list the name or names of the aforementioned tax exempt corporations.

The amendment was read.

Senator Meier offered the following amendment to the amendment:

Amend Amendment No. 1 to C.S.S.B. 386 by adding a new subsection (D)(1)(c) to read as follows:

(D)(1)(c) The name of each person, corporation, labor organization, or other association or legal entity that assists in the obtaining of credit, or a loan of money by a guaranty agreement, or other agreement the effect of which is to allow personal liability for the credit or loan to be established in the person, corporation, labor organization, or other association or legal entity.

The amendment to the amendment was read.

Senator Doggett moved to table the amendment to the amendment.

The motion was lost by the following vote: Yeas 2, Nays 28.

Yeas: Doggett, Truan.

Nays: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Absent-excused: Andujar.

Question on the adoption of the amendment to the amendment, the amendment to the amendment was adopted.

Question recurring on the adoption of the amendment as amended, the amendment as amended was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Harris, Meier, Travis, Wilson.

Absent-excused: Andujar.

COMMITTEE SUBSTITUTE SENATE BILL 386 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

Nays: Harris, Meier, Travis, Wilson.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

SENATE BILL 801 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 801, Relating to the regulation of persons who practice public accountancy.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Amend **S.B. 801**, SECTION 7, quoted Section 26 by adding a new subsection (e) to read as follows:

“(e) None of the provisions of Section 26 shall apply to individuals who are not licensed under this Act.”

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Amend **S.B. 801**, SECTION 7, quoted Section 26(b) by inserting the words “confidential and” between the words “deemed” and “privileged”, and amend Section 26(c) by inserting the words “confidential and” between the words “deemed” and “privileged”.

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Amend **S.B. 801**, SECTION 5, quoted Section 21, Subsection (b), by striking subdivision (9) in its entirety and substituting in lieu thereof the following:

“(9) failure of a certificate holder or registrant to obtain an annual license under Section 9 of this Act within either (A) three years from the expiration date of the license to practice last obtained or renewed by said certificate holder or registrant or (B) three years from the date upon which the certificate holder or registrant was granted his certificate or registration, if no license was ever issued to him, unless such failure shall be excused by the board pursuant to the provisions of Section 9 of this Act; or”.

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 801 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 801** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
April 1, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 961, Relating to shrimping in major bay areas.

H.B. 1157, Relating to the use of county roads by aircraft.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.R. 451 - By Sarpalius: Memorial resolution for Marvin Carlile.

S.R. 452 - By Doggett: Memorial resolution for Professor Emeritus J. Frank Elsass.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 447 - By Wilson: Extending welcome to the 1981 graduating class of Lexington High School.

S.R. 454 - By Ogg, Brooks: Extending welcome to Cliff Tuttle, Sr.

RECESS

On motion of Senator Brooks the Senate at 12:14 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(April 1, 1981)

S.B. 596

Signed by Governor
(March 30, 1981)

S.C.R. 77

S.C.R. 78